25

HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

Writ Petition (C) No. 6090 of 2007

Petitioner Jogeshwar Sahu,
S/o Shri Buddhu Sahu,
Aged about 38 years, R/o Kurud Road, Kohka, Bhilai, Tahsil & District Durg (C.G.) (Holder of Power of Attorney by Onkarnath Rai, S/o Shri Kamla Prasad Rai, R/o Street -9, Plot No. 41-42, Dixit Colony, Durg)

VERSUS

Respondents
1. State of Chhattisgarh,
Through Police Station,
Durg, District Durg (CG)
2. Collector,
District Durg (C.G.)

Writ Petition under Article 227 of the Constitution of India

Present: Smt. Fouzia Mirza, counsel for the petitioner.
Shri Yashwant Singh, Govt. Advocate for the State.

ORAL ORDER
(Passed on 10th October, 2007)

Petitioner has power of attorney by the owner of the vehicle No. C.G.07/1427 one Onkarnath Roy. The photocopy of the power of attorney is contained in Annexure P/1 to this petition. However, the original has also been placed before this Court. It has been submitted on behalf of the petitioner that vehicle of the petitioner was hired by one Lekhanlal Sahu which was seized by police authorities. The vehicle has been given in the supurdgi of the petitioner Onkarnath Roy with a condition that he shall furnish the Bank guarantee of Rs.2,00,000/- and also submit Rs.6720/-. Aggrieved by the said order initially the petitioner had approached this Court by filing a petition under Section 482 of the Code of Criminal Procedure. However, the same was withdrawn with liberty to avail appropriate remedy and according to the petitioner to appropriate remedy is to approach this Court under Article 227 of the Constitution of India.

26

Learned counsel for the petitioner submits that the petitioner will not alienate, mortgage or enter into the agreement of sale of vehicle in question. It has been prayed on behalf of the petitioner that instead of furnishing Bank Guarantee of Rs. 2,00,000/- (Rs.Two Lacs only) petitioner be allowed to mortgage the immovable property. Counsel for the respondents has no objection to the same. Accordingly let the property of likewise amount as demanded by the petitioner be mortgage by the petitioner to the satisfaction of the Chief Judicial Magistrate, Durg and thereafter the vehicle be given on supurdagi to the petitioner.

With the consent of learned counsel for the parties, writ petition stands disposed of.

Sd/-
Ag. Chief Justice